

At page 2, before last par., 2nd and 3rd sentences, the Office Action presents an improper obvious to try rejection.

At page 2, before last par., 4th sentence, the Office Action misinterprets the cited sections of Shintani. The second cited section suggests using non-oxygenated sulfur halides as “surface treating agents”.

At page 2, before last par., 5th sentence, the Office Action rejects based on a “mere substitution” argument without showing that the gas being substituted was known in the prior art as a functional equivalent for Bhandarkar’s gas in the method where it is being replaced.

At page 2, before last par., 6th sentence, the Office Action makes a rejection based on substitution of a chemical homomorph. Unlike substitution of a chemical “homolog”, substitution of a chemical “homomorph” is not a proper basis for an obviousness rejection.

At pages 3-4, the Office Action makes a rejection over a combination of Bhandarkar, Kanamori, and Chandross. Since Kanamori uses S₂Cl₂, i.e., a non-oxygenated sulfur halide, to dehydrate rather than to remove refractory oxides, combining Kanamori and Bhandarkar would not suggest a step in which a non-oxygenated sulfur halide removes refractory oxides as in the claims-at-issue. Furthermore, Kanamori discloses performing the S₂Cl₂ treatment in a temperature range of 900°C – 1100°C, which is outside of the recited 400°C – 800°C range for the treatment step of claim 34.

For the above-stated reasons, Applicants respectfully submit that independent claim 34 is non-obvious. Claims 35-44 are non-obvious, because they depend on claim 34, which is non-obvious.

In light of the arguments submitted in the response of Nov. 4, 2002 and the above arguments, Applicants respectfully request allowance of claims 34-39, 41-42, and 44 as well as previously allowed claims 1-10, 12-26, 28-33.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Lucent Technologies Deposit Account No. 12-2325** to correct the error.

Respectfully submitted,



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